

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

ADRIAN JENKINS,)
)
Plaintiff,)
)
v.) CV 118-140
)
OFFICER DAVIS; OFFICER HORACE)
RYANS; and WARDEN WILKES,)
)
Defendants.)

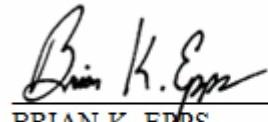
O R D E R

On April 18, 2019, Defendant Ryans filed an answer and motion to dismiss. (Doc. nos. 31, 32.) Although Plaintiff is incarcerated at Smith State Prison in Glennville, Georgia, Defendant Ryans erroneously mailed Plaintiff's service copies of these filings to Hancock State Prison in Sparta, Georgia. (Doc. nos. 31, p. 9; 32, p. 3.) Accordingly, the Court **DIRECTS** defense counsel to re-serve Defendant Ryans' April 18th answer and motion to dismiss, (doc. no. 31, 32), on Plaintiff at Smith State Prison by April 29, 2019, and file a certification for the record when they have done so. Plaintiff shall have fourteen days from the date Defendant Ryans files the certification to respond to Defendant's motion to dismiss.

A motion to dismiss is dispositive in nature, meaning that the granting of a motion to dismiss results in the dismissal of individual claims or an entire action. Plaintiff must respond to the motion to dismiss within fourteen days of service of the motion, and if Plaintiff fails to respond, the motion will be deemed unopposed and granted, resulting in the dismissal of the claims that are the subject matter of the motion. See Loc. R. 7.5.

To assure that Plaintiff's response is made with fair notice of the requirements of the Federal Rules of Civil Procedure regarding motions to dismiss, generally, and motions to dismiss for failure to state a claim upon which relief may be granted, the Court **DIRECTS** the **CLERK** of **COURT** to attach a copy of Fed. R. Civ. P. 12 and 41 to Plaintiff's service copy of this Order.

SO ORDERED this 24th day of April, 2019, at Augusta, Georgia.



BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA